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REMARKS

Claims 1-84 were originally presented in the subject application. Claims 3, 11, 16, 31, 39, 44, 59, 67 and 72 have hereinabove been amended, and claims 85-112 added, to more particularly point out and distinctly claim the subject invention. No claims have herein been canceled. Therefore, claims 1-112 remain in this case.

The addition of new matter has been scrupulously avoided. The amendments to the claims noted above all address minor errors/omissions not affecting the substance of the claims. The addition of claims 85-112 have support in claims 1-28, FIG. 2 and the description thereof in the specification.

Applicants respectfully request entry of these remarks, and reconsideration and withdrawal of the grounds of rejection and objection.

37 CFR 1.105 Requested Information

The Office Action requested any publications describing ERPNct, as noted in the PR Newswire item about Candle Corporation, since Candle was acquired by the assignee of the present application. The Office Action requested any publications describing ERPNct, as well as information that was demonstrated at the demos mentioned in the PR Newswire item.

In response, in-house counsel for IBM familiar with Candle determined that ERPNct was intended to be a service in the sense of an Application Service Provider, and was not intended to be a product. Further, it appears there was no interest from customers, and none signed up for the service. Other than the press release (the PR Newswire item), no published information regarding the service was found.

Objection to Drawings

The Office Action objected to the drawings under 37 CFR 1.84(p)(5). Specifically, the Office Action alleged that reference numerals 200 and 217 are missing from FIG. 2.

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Upon review, Applicants agree that reference numeral 200 is missing from the drawings. However, reference numeral 217 is not missing. Reference numeral 217 is located on the far right side of FIG. 2 as filed with the Official Draftsperson on April 9, 2001.

Enclosed herewith is a proposed correction to FIG. 2, showing reference numeral 200. If acceptable, Applicants will file revised formal drawings with the Official Draftsperson.

35 U.S.C. §112 Rejection

The Office Action rejected claims 3-26, 31-54, and 59-82 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants respectfully, but most strenuously, traverse this rejection.

With regard to claims 3, 31 and 59, the Office Action noted that “the ERP” and “the front end” lacked an antecedent basis. It appears that each of claims 3, 31 and 59 inadvertently referenced the relevant independent claim, rather than the claim following. Thus, claim 3 was amended to depend from claim 2 instead of claim 1, claim 31 to depend from claim 30 instead of claim 29, and claim 59 to depend from claim 58 instead of claim 57.

With regard to claims 11, 39 and 67, the Office Action noted that “a token identifier” appeared twice in line 3. In each case, the second occurrence was amended to read “the” instead of “a”.

With regard to claims 16, 44 and 72, the Office Action noted that “the second server” and “the first server” lacked an antecedent basis. In response, Applicants have amended each of the claims to recite “the second messaging server” and “the first messaging server.”

Applicants submit that each of claims 3, 11, 16, 31, 39, 44, 59, 67 and 72 is now in proper form.

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35 U.S.C. §102 Rejection

The Office Action rejected claims 1-7, 10, 11, 15, 16, 23, 29-35, 38, 39, 43, 44, 51, 57-63, 66, 67, 71, 72 and 79 under 35 U.S.C. §102(c), as allegedly anticipated by Cohen et al. (U.S. Patent No. 6,286,028). Further, the Office Action rejected claims 1-7, 10, 11, 14-17, 22-27, 29-35, 38, 39, 42-45, 50-55, 57-63, 66, 67, 70-73 and 78-83 under 35 U.S.C. §102(b), as allegedly anticipated by ERPNet, as disclosed in applicant's IDS as Dialog File 20, accession No. 02821200. Applicants respectfully, but most strenuously, traverse each of these rejections.

With respect to an anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention.

Cohen et al.

Claim 1 recites, for example, obtaining a reply within the private electronic environment in response to the communication (from the user) *while the user waits*.

The Office Action actually fails to mention this aspect of claim 1, nor cite to any section of Cohen et al. disclosing the same. Applicants could find no disclosure in Cohen et al. that a reply from the back end is obtained while the user waits. In general, there is discussion in Cohen et al. of a user transacting business at the front end, and that some of the information obtained from the user must be shared with the back end application, but Applicants could find no express disclosure of a reply provided from the back end or a time frame therefor.

If Cohen et al. suggests anything that might be construed as relevant to the noted aspect of claim 1, Applicants submit that such would have to be part an obviousness (section 103) rejection. However, both Cohen et al. and the present application are assigned to IBM.

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At the time the present invention was filed, both Cohen et al. and the present application were assigned to or subject to an obligation of assignment to IBM. Thus, under 35 U.S.C. §103(c), since Cohen et al. qualifies as prior art only under §102(e), Cohen et al. cannot be cited as part of an obviousness rejection against the present application.

Therefore, Applicants submit that claim 1 cannot be anticipated by Cohen et al., nor can Cohen et al. properly be cited as part of an obviousness rejection.

Claims 29 and 57 contain a limitation similar to that argued above with respect to claim 1. Thus, the arguments made above regarding claim 1 are equally applicable thereto. Therefore, claims 29 and 57 also cannot be anticipated by, or made obvious over, Cohen et al.

ERPNet

Similarly, Applicants could find no disclosure, teaching or suggestion in ERPNet of obtaining a reply within a private electronic environment in response to a user communication while the user waits. In addition, again the Office Action fails to even mention this aspect of the claims, nor cite to any section of ERPNet as allegedly disclosing, teaching or suggesting the same.

Therefore, Applicants submit that none of independent claims 1, 29 or 57 can be anticipated by, or made obvious over, ERPNet.

CONCLUSION

Applicants submit that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

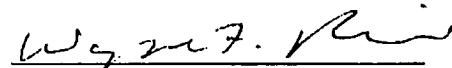
For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly allowance of claims 1-84.

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If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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